REMARKS

The comments of the Examiner have been carefully studied and reviewed. Claims 1-15 and 18-21 stand rejected under 35 USC §103(a) as being unpatentable over Lenz et al., U.S. Patent No. 3,016,968, in view of Garcia, U.S. Patent No. 4,170,374. For the reasons set forth below, it is respectfully urged that the Patent Office has not made out a prima facie case of obviousness.

Claim 10 and claim 5 call for a delivery vehicle having a load compartment and a sliding door that permits access to the load compartment. The sliding door limitation has not been addressed by the Patent Office. Clearly, the truck lid in Lenz is not a sliding door. The Patent Office has not maintained that it would be obvious to modify Lenz to make the conventional truck lid a sliding door. Indeed, it would not be obvious and it would be challenging to proffer a motivation why a person of ordinary skill in the art would want to modify the traditional truck lid of Lenz to make it a sliding door. Thus, all of the claims that include the sliding door limitation define patentable subject matter.

The Patent Office appreciates that Lenz does not disclose the biasing feature for biasing the door opening. However, the Examiner maintains that the secondary reference of Garcia shows a biasing means for biasing the access door of the Garcia truck to an open position. The Examiner proffers a motivation for incorporating the biasing feature into Lenz, and this motivation is that "it decreases the amount of work needed to open the door." Office Action, p. 4. It cannot be determined where the Patent Office found this motivation. There is nothing in Lenz that talks about the difficulty in opening the trunk, or that opening the trunk lid in general requires any significant amount of work. Garcia does not suggest that there is a problem with opening a conventional truck lid. Indeed, conventional trunk lids are easy to open as they can be opened by small children or the elderly. Hence, there is no problem with opening conventional passenger vehicle trunk lids, and respectfully, the proffered motivation in this case is inspired only by hindsight.

Not only is there no motivation to bias the Lenz truck lid to an open position, but doing so would add additional expense and additional components to be serviced and maintained. In the end, such a modification would add uncalled for expense without providing a needed and offsetting benefit.

Claim 7 calls for the spring to extend between a stop disposed on the door and an area adjacent the door. The Patent Office takes the position that in Garcia "the spring is adapted to extend between a stop (74) disposed on the door and an area (42) adjacent the door....." The spring 54 being referred to does not extend between structure 74 and an area adjacent the door. Rather, spring 54 extends between the rubber boot 50 and an area within housing 24. The claim calls for the spring to extend between a stop on the door. As seen in Applicant's drawings, the spring actually engages and hence extends between the stop on the door. That is not the case in Garcia. In Garcia the rubber boot and the shaft 52 extend between member 74 and an area adjacent the door.

Claim 7 also calls for the spring to be adjustable with respect to the door. The Patent Office takes the position that the length of shank 52 can be adjusted. There is no support in the record for this finding. The portion of the shank 52 shown in Figure 3 that extends into housing 24 is not even shown. There is no adjustment feature for adjusting the position or the length of the shank 52. Thus, the Patent Office's finding in this regard is in error.

Claim 8 calls for the spring to at least partially be contained within a sleeve. The Patent Office takes the position that this claim feature is met by Garcia by the spring 54 being contained within the rubber boot 50. Rubber boot 50 is not a sleeve. It is a rubber engaging stop for engaging the leg 74. There is no sleeve in Garcia. The claim term "sleeve" cannot be construed so broadly as to encompass a rubber stop 50 disposed on end of shank 52.

Claim 9 calls for the spring to be fixed to a threaded bolt. The Examiner acknowledges that neither Lenz nor Garcia show the threaded bolt feature. However, the Patent Office takes the position that it would have been obvious to one of ordinary skill in the art at the time the

invention was made to adapt the use of the shank to be threaded such that the threaded shank can move back and forth axially within a threaded support so as to adjust the position of the spring with respect to the door. Office Action, p. 4. There is no factual basis for this proffered motivation. Nothing in either Garcia or Lenz recognizes or appreciates the need for being able to adjust the structure that carries the spring. Certainly, there is nothing that would suggest the particular way that Applicant has elected to adjust the structure in this case, which is by the provision of a threaded bolt secured within a threaded member or sleeve.

For the reasons set forth above, it is respectfully urged that the present application is in condition for allowance and allowance is respectfully requested.

Respectfully submitted,

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